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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company;  
USA Capital Realty Advisors, LLC;<sup>1</sup>  
USA Capital Diversified Trust Deed Fund, LLC;  
USA Capital First Trust Deed Fund, LLC;<sup>2</sup>  
USA Securities, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**STIPULATION RE ALBERT LEE, ET  
AL. PROOF OF CLAIM NO. 10725-  
00097**

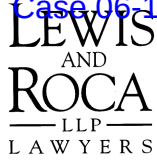
The USACM Liquidating Trust and Albert Lee, et al, by and through their undersigned counsel hereby stipulate and agree:

1) Albert Lee, Linda Lee, Steve Miller, John Nash, Maurey Nash, Jin-Shih Lee, Lian-Pin Lee, Gary Potts, Eva Potts, Scott Mollahan, Valerie Mollahan, Jeff Guitterez, Katie Guitterez, Michael Cichon, Marilee Cichon and Christine Westland (the "Lee

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.



Claimants”), filed Proof of Claim No. 10725-00097, asserting an unsecured claim in the amount of \$2,000,000, based upon alleged negligence, fraud and breach of fiduciary duty by USACM arising out of its brokering of a loan to the Lee Claimants to fund the purchase of an apartment complex known as the Palm Terrace Apartments.

2) That Proof of Claim No. 10725-00097 be allowed as a general unsecured claim in the amount of \$1 million and the balance of the claim be disallowed and all other claims, if any, filed by the Lee Claimants be disallowed in their entirety.

3) That the Court enter an order approving this Stipulation, allowing Proof of Claim No. 10725-00097 as a general unsecured claim in the amount of \$1 million, disallowing the remainder of Proof of Claim No. 10725-00097, and disallowing all other claims filed by the Lee Claimants, if any.

**LEWIS AND ROCA LLP**

**TERRA LAW LLP**

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DATED: June 1, 2009

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